

## SENATE BILL No. 594

### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-2; IC 10-13; IC 11-13-3-4; IC 35-38-2-2.2; IC 36-2-13-5.7; IC 36-8-10-21.

**Synopsis:** Offenders of elder victims registry. Requires a person who: (1) has been convicted of a crime against a victim who is at least 65 years of age or adjudicated a delinquent for committing an act that would be a crime against a victim who is at least 65 years of age; and (2) resides, works, or attends school in Indiana; to register with a local law enforcement authority. Requires local law enforcement authorities to forward the registration information to the criminal justice institute. Requires the institute to establish and maintain an offenders of elder victims directory that includes the name of each offender who is required to register with a local law enforcement authority. Requires the institute to publish the directory on the Internet and make a paper copy of the directory available upon request. Requires sheriffs to jointly establish and maintain an offenders of elder victims web site. Specifies that the offenders of elder victims web site must include: (1) a recent photograph of every offender who has registered with a local law enforcement authority; (2) the home address of every offender; and (3) the information included in the institute's offenders of elder victims directory.

**Effective:** Upon passage; July 1, 2005.

**Hershman**

January 20, 2005, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## SENATE BILL No. 594

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1       SECTION 1. IC 5-2-6-1 IS AMENDED TO READ AS FOLLOWS  
2       [EFFECTIVE JULY 1, 2005]: Sec. 1. As used in this chapter:  
3       "Criminal justice" includes activities concerning:  
4             (1) the prevention or reduction of criminal offenses;  
5             (2) the enforcement of criminal law;  
6             (3) the apprehension, prosecution, and defense of persons accused  
7             of crimes;  
8             (4) the disposition of convicted persons, including corrections,  
9             rehabilitation, probation, and parole; and  
10            (5) the participation of members of the community in corrections.  
11       "Entitlement jurisdictions" include the state and certain local  
12       governmental units as defined in Section 402(a) of the Omnibus Act.  
13       "Institute" means the Indiana criminal justice institute.  
14       "Juvenile justice" includes activities concerning:  
15             (1) the prevention or reduction of juvenile delinquency;  
16             (2) the apprehension and adjudication of juvenile offenders;  
17             (3) the disposition of juvenile offenders including protective



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techniques and practices;

(4) the prevention of child abuse and neglect; and

(5) the discovery, protection, and disposition of children in need of services.

"Juvenile Justice Act" means the Juvenile Justice and Delinquency Prevention Act of 1974 and any amendments made to that act.

"Local governmental entities" include:

(1) trial courts; and

(2) political subdivisions (as defined in IC 36-1-2-13).

"Offender" has the meaning set forth in:

(1) IC 5-2-12-4; or

(2) **IC 5-2-12.5-2;**

**as the context indicates.**

"Omnibus Act" means the Omnibus Crime Control and Safe Streets Act of 1968 and any amendments made to that act.

"Trustees" refers to the board of trustees of the institute.

SECTION 2. IC 5-2-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. The institute is established to do the following:

(1) Evaluate state and local programs associated with:

(A) the prevention, detection, and solution of criminal offenses;

(B) law enforcement; and

(C) the administration of criminal and juvenile justice.

(2) Improve and coordinate all aspects of law enforcement, juvenile justice, and criminal justice in this state.

(3) Stimulate criminal and juvenile justice research.

(4) Develop new methods for the prevention and reduction of crime.

(5) Prepare applications for funds under the Omnibus Act and the Juvenile Justice Act.

(6) Administer victim and witness assistance funds.

(7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.

(8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.

(9) Serve as the criminal justice statistical analysis center for this state.

(10) Establish and maintain:

(A) in cooperation with the office of the secretary of family and social services, a sex and violent offender directory; **and**

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**(B) an offenders of elder victims directory.**

(11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.

(12) Prescribe or approve forms as required under:

**(A) IC 5-2-12; and**

**(B) IC 5-2-12.5.**

(13) Provide judges, law enforcement officers, prosecuting attorneys, parole officers, and probation officers with information and training concerning the requirements in:

**(A) IC 5-2-12 and the use of the sex and violent offender directory; and**

**(B) IC 5-2-12.5 and the use of the offenders of elder victims directory.**

SECTION 3. IC 5-2-6-3.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 3.7. (a) The offenders of elder victims directory established under section 3 of this chapter must include the names of each offender who is or has been required to register under IC 5-2-12.5.**

**(b) The institute shall do the following:**

**(1) Update the directory at least one (1) time every six (6) months.**

**(2) Publish the directory on the Internet through the computer gateway administered by the intelnet commission under IC 5-21-2 and known as accessIndiana.**

**(3) Maintain a hyperlink on the institute's computer web site that permits users to connect to the Indiana sheriffs' offenders of elder victims registry web site established under IC 36-2-13-5.7.**

**(4) Make a paper copy of the directory available upon request.**

**(c) When the institute publishes on the Internet or distributes a copy of the directory under subsection (b), the institute shall include a notice using the following or similar language:**

**"Based on information submitted to the criminal justice institute, a person whose name appears in this directory has been convicted of committing a felony or misdemeanor against a victim who is at least sixty-five (65) years of age or who has been adjudicated a delinquent child for committing an act that would be a felony or a misdemeanor if committed by an adult against a victim who is at least sixty-five (65)**

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years of age. "

SECTION 4. IC 5-2-6-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) The victim and witness assistance fund is established. The institute shall administer the fund. Except as provided in subsection (e), expenditures from the fund may be made only in accordance with appropriations made by the general assembly.

(b) The source of the victim and witness assistance fund is the family violence and victim assistance fund established by IC 12-18-5-2.

(c) The institute may use money from the victim and witness assistance fund when awarding a grant or entering into a contract under this chapter, if the money is used for the support of a program in the office of a prosecuting attorney or in a state or local law enforcement agency designed to:

(1) help evaluate the physical, emotional, and personal needs of a victim resulting from a crime, and counsel or refer the victim to those agencies or persons in the community that can provide the services needed;

(2) provide transportation for victims and witnesses of crime to attend proceedings in the case when necessary; or

(3) provide other services to victims or witnesses of crime when necessary to enable them to participate in criminal proceedings without undue hardship or trauma.

(d) Money in the victim and witness assistance fund at the end of a particular fiscal year does not revert to the general fund.

(e) The institute may use money in the fund to:

(1) pay the costs of administering the fund, including expenditures for personnel and data;

(2) establish and maintain the:

(A) sex and violent offender directory under IC 5-2-12; and

(B) offenders of elder victims directory under IC 5-2-12.5;

and

(3) provide training for persons to assist victims.

SECTION 5. IC 5-2-12-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15. **If a person who is required to register under this chapter is also required to register under IC 5-2-12.5, the person shall register under both this chapter and IC 5-2-12.5.**

SECTION 6. IC 5-2-12.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

**Chapter 12.5. Offenders of Elder Victims Registration**

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1        **Sec. 1. As used in this chapter, "institute" means the Indiana**  
 2 **criminal justice institute established by IC 5-2-6-3.**

3        **Sec. 2. (a) As used in this chapter, "offender" means:**

4            (1) a person who has been convicted of committing a felony or  
 5            misdemeanor; or

6            (2) a child who has been adjudicated a delinquent child for  
 7            committing an act that would be a felony or a misdemeanor  
 8            if committed by an adult;

9        **against a victim who is at least sixty-five (65) years of age.**

10       **Sec. 3. As used in this chapter, "registration form" means:**

11            (1) a form approved or prescribed by the institute; or

12            (2) a form not approved or prescribed by the institute that:

13                    (A) contains information required by the institute; and

14                    (B) is completed in a manner approved or prescribed by  
 15                    the institute.

16       **Sec. 4. (a) Subject to section 11 of this chapter, the following**  
 17 **persons must register under this chapter:**

18            (1) An offender who resides in Indiana. An offender resides in  
 19            Indiana if either of the following applies:

20                    (A) The offender spends or intends to spend at least seven  
 21                    (7) days (including part of a day) in Indiana during a one  
 22                    hundred eighty (180) day period.

23                    (B) The offender owns real property in Indiana and  
 24                    returns to Indiana at any time.

25            (2) An offender not described in subdivision (1) who works or  
 26            carries on a vocation or intends to work or carry on a  
 27            vocation full time or part time for a period:

28                    (A) exceeding fourteen (14) consecutive days; or

29                    (B) for a total period exceeding thirty (30) days;

30            during any calendar year in Indiana, whether the offender is  
 31            financially compensated, volunteered, or is acting for the  
 32            purpose of government or educational benefit.

33            (3) An offender not described in subdivision (1) who is  
 34            enrolled or intends to be enrolled on a full time or part time  
 35            basis in any public or private educational institution,  
 36            including any secondary school, trade or professional  
 37            institution, or institution of higher education in Indiana.

38        **(b) Except as provided in subsection (e), an offender who resides**  
 39 **in Indiana shall register with the sheriff of the county where the**  
 40 **offender resides. If an offender resides in more than one (1) county,**  
 41 **the offender shall register with the sheriff of each county in which**  
 42 **the offender resides. However, if an offender resides in a county**

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1 having a consolidated city, the offender shall register with the  
2 police chief of the consolidated city.

3 (c) An offender described in subsection (a)(2) shall register with  
4 the sheriff of the county where the offender is or intends to be  
5 employed or carry on a vocation. However, an offender described  
6 in subsection (a)(2) who is employed or intends to be employed or  
7 to carry on a vocation in a consolidated city shall register with the  
8 police chief of the consolidated city. If an offender is or intends to  
9 be employed or carry on a vocation in more than one (1) county,  
10 the offender shall register with the sheriff of each county. However,  
11 if an offender is employed or intends to be employed or to carry on  
12 a vocation in a county containing a consolidated city and another  
13 county, the offender shall register with the police chief of the  
14 consolidated city and the sheriff of the other county.

15 (d) An offender described in subsection (a)(3) shall register with  
16 the sheriff of the county where the offender is enrolled or intends  
17 to be enrolled as a student. However, if an offender described in  
18 subsection (a)(3) is enrolled or intends to be enrolled as a student  
19 in a county containing a consolidated city, the offender shall  
20 register with the police chief of the consolidated city.

21 (e) An offender described in subsection (a)(1)(B) shall register  
22 with the sheriff in the county in which the real property is located.  
23 However, if the offender owns real property in a county containing  
24 a consolidated city, the offender shall register with the police chief  
25 of the consolidated city.

26 (f) An offender shall complete a registration form. Each sheriff  
27 or police chief of a consolidated city shall make the registration  
28 forms available to registrants.

29 (g) The offender shall register not more than seven (7) days  
30 after the offender:

- 31 (1) is released from a penal facility (as defined in
- 32 IC 35-41-1-21);
- 33 (2) is released from a secure private facility (as defined in
- 34 IC 31-9-2-115);
- 35 (3) is released from a juvenile detention facility;
- 36 (4) is transferred to a community transition program;
- 37 (5) is placed on parole;
- 38 (6) is placed on probation;
- 39 (7) is placed on home detention; or
- 40 (8) arrives at the place where the offender is required to
- 41 register under subsection (b), (c), or (d);

42 whichever occurs first.

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(h) When an offender registers with a sheriff or the police chief of a consolidated city, the sheriff or police chief shall immediately notify the institute of the offender's registration by forwarding a copy of the registration form to the institute.

(i) The sheriff with whom an offender registers under this section shall make and publish a photograph of an offender on the Indiana sheriffs' offenders of elder victims registry web site established under IC 36-2-13-5.7. The police chief of a consolidated city with whom an offender registers under this section shall make a photograph of the offender that complies with the requirements of IC 36-2-13-5.7 and transmit the photograph (and other identifying information required by IC 36-2-13-5.7) to the Indiana sheriffs' offenders of elder victims registry web site established under IC 36-2-13-5.7. Every time an offender submits a new registration form to the police chief of a consolidated city, but at least once per year, the police chief shall make a photograph of the offender that complies with the requirements of IC 36-2-13-5.7. The police chief of a consolidated city shall transmit the photograph and a copy of the registration form to the Indiana sheriffs' offenders of elder victims registry web site established under IC 36-2-13-5.7. The sheriff of a county containing a consolidated city shall provide the police chief of a consolidated city with all photographic and computer equipment necessary to enable the police chief of the consolidated city to transmit offender photographs (and other identifying information required by IC 36-2-13-5.7) to the Indiana sheriffs' offenders of elder victims registry web site established under IC 36-2-13-5.7. In addition, the sheriff of a county containing a consolidated city shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sheriff's offenders of elder victims registry web site established under IC 36-2-13-5.7.

(j) When an offender completes a new registration form, the sheriff or police chief of a consolidated city shall:

- (1) forward a copy of the new registration form to the institute; and
- (2) notify every law enforcement agency having jurisdiction in the area where the offender resides.

**Sec. 5.** The registration required under this chapter must include the following information:

- (1) The offender's full name, alias, any name by which the offender was previously known, date of birth, sex, race, height, weight, hair color, eye color, Social Security number,

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driver's license number, and home address.

(2) A description of the offense for which the offender was convicted, the date of conviction, the county of the conviction, the cause number of the conviction, and the sentence imposed, if applicable.

(3) If the person is required to register under section 4(a)(2) or 4(a)(3) of this chapter, the name and address of each of the offender's employers in Indiana, the name and address of each campus or location where the offender is enrolled in school in Indiana, and the address where the offender stays or intends to stay while in Indiana.

(4) A recent photograph of the offender.

(5) Any other information required by the institute.

Sec. 6. (a) Not more than fourteen (14) days before an Indiana offender who is required to register under this chapter is scheduled to be released from a correctional facility (as defined in IC 4-13.5-1-1), transferred to a community transition or community corrections program, transferred to the jurisdiction of a sentencing court or probation office for a term of probation after being confined in a facility, released from any other penal facility (as defined in IC 35-41-1-21), released from a secure private facility (as defined in IC 31-9-2-115), or released from a juvenile detention facility, an official of the facility shall do the following:

(1) Orally inform the offender of the offender's duty to register under this chapter and require the offender to sign a written statement that the offender was orally informed or, if the offender refuses to sign the statement, certify that the offender was orally informed of the duty to register.

(2) Deliver a registration form advising the offender of the offender's duty to register under this chapter and require the offender to sign a written statement that the offender received the written notice or, if the offender refuses to sign the statement, certify that the offender was given the written notice of the duty to register.

(3) Obtain the address where the offender expects to reside after the offender's release.

(4) Inform in writing on a form or in the form prescribed or approved by the institute the sheriff having jurisdiction in the county or the police chief having jurisdiction in the consolidated city where the offender expects to reside of the offender's name, date of release or transfer, new address, and the offense or delinquent act committed by the offender.

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(b) Not more than three (3) days after an offender who is required to register under this chapter is released or transferred as described in subsection (a), an official of the facility shall transmit to the state police the following:

(1) The offender's fingerprints, photograph, and identification factors.

(2) The address where the offender expects to reside after the offender's release.

(3) The complete criminal history data (as defined in IC 10-13-3-5) or, if the offender committed a delinquent act, juvenile history data (as defined in IC 10-13-4-4) of the offender.

(4) Information regarding the offender's past treatment for mental disorders.

(c) This subsection applies if an offender is placed on probation or in a community corrections program without confining the offender in a penal facility. The probation office serving the court in which the offender is sentenced shall perform the duties required under subsections (a) and (b).

Sec. 7. (a) If an offender who is required to register under this chapter changes:

(1) home address; or

(2) if section 4(a)(2) or 4(a)(3) of this chapter applies, the place where the offender stays in Indiana;

the offender shall complete and submit a new registration form not more than seven (7) days after the address change to the sheriff or the police chief with whom the offender last registered.

(b) If the offender moves to a new county in Indiana, the sheriff or the police chief referred to in subsection (a) shall inform the sheriff in the new county or the police chief of the consolidated city, if the county has a consolidated city, in Indiana of the offender's residence by forwarding to the sheriff or the police chief in the new county a copy of the registration form. The sheriff or the police chief receiving the notice under this subsection shall verify the address of the offender under section 8 of this chapter within seven (7) days after receiving the notice.

(c) If an offender who is required to register under section 4(a)(2) or 4(a)(3) of this chapter changes the offender's principal place of employment, principal place of vocation, or campus or location where the offender is enrolled in school, the offender shall submit a new registration form not more than seven (7) days after the change to the sheriff or the police chief of a consolidated city

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with whom the offender last registered.

(d) If an offender moves the offender's place of employment, vocation, or enrollment to a new county in Indiana, the sheriff or the police chief of a consolidated city referred to in subsection (c) shall inform the sheriff in the new county in Indiana or the police chief of the consolidated city, if the county has a consolidated city, of the offender's new principal place of employment, vocation, or enrollment by forwarding a copy of the registration form to the sheriff or the police chief of the consolidated city in the new county.

(e) If an offender moves the offender's residence, place of employment, or enrollment to a new state, the sheriff or the police chief of the consolidated city shall inform the state police in the new state of the offender's new place of residence, employment, or enrollment.

(f) A sheriff or police chief of a consolidated city shall make the forms required under this section available to registrants.

(g) A sheriff or police chief of a consolidated city who is notified of a change under subsection (a) or (c) shall immediately notify the institute of the change by forwarding a copy of the registration form to the institute.

Sec. 8. (a) To verify an offender's current residence, the sheriff (or the police chief of a consolidated city) shall mail each offender a registration form to the offender's listed address at least one (1) time per year, beginning seven (7) days after the date the offender is:

- (1) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
  - (2) placed in a community transition program;
  - (3) placed in a community corrections program;
  - (4) placed on parole; or
  - (5) placed on probation;
- whichever occurs first.

(b) If an offender fails to return a signed registration form either by mail or in person, the sheriff (or the police chief of a consolidated city) shall immediately notify the institute and the prosecuting attorney.

Sec. 9. (a) An offender who is required to register under this chapter may not petition for a change of name under IC 34-28-2.

(b) If an offender who is required to register under this chapter changes the offender's name due to marriage, the offender must notify the county sheriff (or the police chief of a consolidated city)

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by completing a registration form not more than thirty (30) days after the name change.

**Sec. 10. An offender who knowingly or intentionally:**

- (1) fails to register under this chapter; or
- (2) fails to complete and submit a new registration form as required under section 7(a) of this chapter;

commits a Class D felony. However, the offense is a Class C felony if the offender has a prior unrelated offense under this section.

**Sec. 11. An offender's duty to register under this chapter expires ten (10) years after the date the offender:**

- (1) is released from a penal facility (as defined in IC 35-41-1-21) or a secure juvenile detention facility of a state or another jurisdiction;
- (2) is placed in a community transition program;
- (3) is placed in a community corrections program;
- (4) is placed on parole; or
- (5) is placed on probation;

whichever occurs last.

**Sec. 12. If a person who is required to register under this chapter is also required to register under IC 5-2-12, the person shall register under both this chapter and IC 5-2-12.**

SECTION 7. IC 10-13-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) As used in this chapter, "criminal history data" means information collected by criminal justice agencies, the United States Department of Justice for the department's information system, or individuals.

(b) The term consists of the following:

- (1) Identifiable descriptions and notations of arrests, indictments, informations, or other formal criminal charges.
- (2) Information regarding:
  - (A) a sex and violent offender (as defined in IC 5-2-12-4) obtained through sex and violent offender registration under IC 5-2-12; **and**
  - (B) an offender (as defined in IC 5-2-12.5-2) obtained through the offenders of elder victims registration under IC 5-2-12.5.

(3) Any disposition, including sentencing, and correctional system intake, transfer, and release.

SECTION 8. IC 10-13-3-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 27. (a) Except as provided in subsection (b), on request, law enforcement agencies shall release or allow inspection of a limited criminal history to noncriminal

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- justice organizations or individuals only if the subject of the request:
- (1) has applied for employment with a noncriminal justice organization or individual;
  - (2) has applied for a license and criminal history data as required by law to be provided in connection with the license;
  - (3) is a candidate for public office or a public official;
  - (4) is in the process of being apprehended by a law enforcement agency;
  - (5) is placed under arrest for the alleged commission of a crime;
  - (6) has charged that the subject's rights have been abused repeatedly by criminal justice agencies;
  - (7) is the subject of a judicial decision or determination with respect to the setting of bond, plea bargaining, sentencing, or probation;
  - (8) has volunteered services that involve contact with, care of, or supervision over a child who is being placed, matched, or monitored by a social services agency or a nonprofit corporation;
  - (9) has volunteered services at a public school (as defined in IC 20-10.1-1-2) or nonpublic school (as defined in IC 20-10.1-1-3) that involve contact with, care of, or supervision over a student enrolled in the school;
  - (10) is being investigated for welfare fraud by an investigator of the division of family and children or a county office of family and children;
  - (11) is being sought by the parent locator service of the child support bureau of the division of family and children;
  - (12) is or was required to register as:
    - (A) a sex and violent offender under IC 5-2-12; or
    - (B) an offender of elder victims under IC 5-2-12.5; or**
  - (13) has been convicted of any of the following:
    - (A) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.
    - (B) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.
    - (C) Child molesting (IC 35-42-4-3).
    - (D) Child exploitation (IC 35-42-4-4(b)).
    - (E) Possession of child pornography (IC 35-42-4-4(c)).
    - (F) Vicarious sexual gratification (IC 35-42-4-5).
    - (G) Child solicitation (IC 35-42-4-6).
    - (H) Child seduction (IC 35-42-4-7).
    - (I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
    - (J) Incest (IC 35-46-1-3), if the victim is less than eighteen

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1 (18) years of age.  
 2 However, limited criminal history information obtained from the  
 3 National Crime Information Center may not be released under this  
 4 section except to the extent permitted by the Attorney General of the  
 5 United States.

6 (b) A law enforcement agency shall allow inspection of a limited  
 7 criminal history by and release a limited criminal history to the  
 8 following noncriminal justice organizations:

- 9 (1) Federally chartered or insured banking institutions.  
 10 (2) Officials of state and local government for any of the  
 11 following purposes:  
 12 (A) Employment with a state or local governmental entity.  
 13 (B) Licensing.  
 14 (3) Segments of the securities industry identified under 15 U.S.C.  
 15 78q(f)(2).

16 (c) Any person who uses limited criminal history for any purpose  
 17 not specified under this section commits a Class A misdemeanor.

18 SECTION 9. IC 10-13-3-30 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 30. (a) Except as  
 20 provided in subsection (c), on request for release or inspection of a  
 21 limited criminal history, law enforcement agencies may, if the agency  
 22 has complied with the reporting requirements in section 24 of this  
 23 chapter, and the department shall do the following:

- 24 (1) Require a form, provided by law enforcement agencies and the  
 25 department, to be completed. The form shall be maintained for  
 26 two (2) years and shall be available to the record subject upon  
 27 request.  
 28 (2) Collect a three dollar (\$3) fee to defray the cost of processing  
 29 a request for inspection.  
 30 (3) Collect a seven dollar (\$7) fee to defray the cost of processing  
 31 a request for release. However, law enforcement agencies and the  
 32 department may not charge the fee for requests received from the  
 33 parent locator service of the child support bureau of the division  
 34 of family and children.

35 (b) Law enforcement agencies and the department shall edit  
 36 information so that the only information released or inspected is  
 37 information that:

- 38 (1) has been requested; and  
 39 (2) is limited criminal history information.

40 (c) The fee required under subsection (a) shall be waived if the  
 41 request:

- 42 (1) relates to the:

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(A) sex and violent offender directory; **or**  
 (B) **offenders of elder victims directory;**  
 under IC 5-2-6; or

(2) concerns a person required to register as:

(A) a sex and violent offender under IC 5-2-12; **or**

(B) **an offender of elder victims under IC 5-2-12.5.**

SECTION 10. IC 10-13-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. As used in this chapter, "juvenile history data" means information collected by criminal or juvenile justice agencies or individuals about a child who is alleged to have committed a reportable act and consists of the following:

(1) Descriptions and notations of events leading to the taking of the child into custody by a juvenile justice agency for a reportable act allegedly committed by the child.

(2) A petition alleging that the child is a delinquent child.

(3) Dispositional decrees concerning the child that are entered under IC 31-37-19 (or IC 31-6-4-15.9 before its repeal).

(4) The findings of a court determined after a hearing is held under IC 31-37-20-2 or IC 31-37-20-3 (or IC 31-6-4-19(h) or IC 31-6-4-19(i) before their repeal) concerning the child.

(5) Information:

(A) regarding a child who has been adjudicated a delinquent child for committing an act that would be an offense described in IC 5-2-12-4 if committed by an adult; and

(B) that is obtained through sex and violent offender registration under IC 5-2-12.

(6) **Information:**

(A) **regarding a child who:**

(i) **has been adjudicated a delinquent child for committing an act that would be a felony or misdemeanor if committed by an adult; and**

(ii) **is required to register under IC 5-2-12.5; and**

(B) **that is obtained through the offenders of elder victims directory under IC 5-2-12.5.**

SECTION 11. IC 11-13-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) A condition to remaining on parole is that the parolee not commit a crime during the period of parole.

(b) The parole board may also adopt, under IC 4-22-2, additional conditions to remaining on parole and require a parolee to satisfy one (1) or more of these conditions. These conditions must be reasonably

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related to the parolee's successful reintegration into the community and not unduly restrictive of a fundamental right.

(c) If a person is released on parole the parolee shall be given a written statement of the conditions of parole. Signed copies of this statement shall be:

- (1) retained by the parolee;
- (2) forwarded to any person charged with the parolee's supervision; and
- (3) placed in the parolee's master file.

(d) The parole board may modify parole conditions if the parolee receives notice of that action and had ten (10) days after receipt of the notice to express the parolee's views on the proposed modification. This subsection does not apply to modification of parole conditions after a revocation proceeding under section 10 of this chapter.

(e) As a condition of parole, the parole board may require the parolee to reside in a particular parole area. In determining a parolee's residence requirement, the parole board shall:

- (1) consider:
  - (A) the residence of the parolee prior to the parolee's incarceration; and
  - (B) the parolee's place of employment; and
- (2) assign the parolee to reside in the county where the parolee resided prior to the parolee's incarceration unless assignment on this basis would be detrimental to the parolee's successful reintegration into the community.

(f) As a condition of parole, the parole board may require the parolee to:

- (1) periodically undergo a laboratory chemical test (as defined in IC 14-15-8-1) or series of tests to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9); and
- (2) have the results of any test under this subsection reported to the parole board by the laboratory.

The parolee is responsible for any charges resulting from a test required under this subsection. However, a person's parole may not be revoked on the basis of the person's inability to pay for a test under this subsection.

(g) As a condition of parole, the parole board:

- (1) may require a parolee who is a sex and violent offender (as defined in IC 5-2-12-4) to:
  - (A) participate in a treatment program for sex offenders approved by the parole board; and
  - (B) avoid contact with any person who is less than sixteen (16)

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years of age unless the parolee:

(i) receives the parole board's approval; or

(ii) successfully completes the treatment program referred to in clause (A); ~~and~~

(2) shall:

(A) require a parolee who is an offender (as defined in IC 5-2-12-4) to register with a sheriff (or the police chief of a consolidated city) under IC 5-2-12-5;

(B) prohibit the offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-41-1-24.7) for the period of parole, unless the offender obtains written approval from the parole board; and

(C) prohibit a parolee who is an offender convicted of a sex offense (as defined in IC 35-38-2-2.5) from residing within one (1) mile of the victim of the offender's sex offense unless the offender obtains a waiver under IC 35-38-2-2.5; **and**

**(3) shall require a parolee who is an offender (as defined in IC 5-2-12.5-2) to register with a sheriff (or the police chief of a consolidated city) under IC 5-2-12.5;**

If the parole board allows the offender to reside within one thousand (1,000) feet of school property under subdivision (2)(B), the parole board shall notify each school within one thousand (1,000) feet of the offender's residence of the order.

(h) The address of the victim of a parolee who is an offender convicted of a sex offense (as defined in IC 35-38-2-2.5) is confidential, even if the offender obtains a waiver under IC 35-38-2-2.5.

SECTION 12. IC 35-38-2-2.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2.2. **(a)** As a condition of probation for an offender (as defined in IC 5-2-12-4), the court shall:

(1) require the offender to register with the sheriff (or the police chief of a consolidated city) under IC 5-2-12-5; and

(2) prohibit the offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-41-1-24.7) for the period of probation, unless the offender obtains written approval from the court.

If the court allows the offender to reside within one thousand (1,000) feet of school property under subdivision (2), the court shall notify each school within one thousand (1,000) feet of the offender's residence of the order.

**(b) As a condition of probation for an offender (as defined in IC 5-2-12.5-2), the court shall require the offender to register with**

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the sheriff (or the police chief of a consolidated city) under IC 5-2-12.5.

SECTION 13. IC 36-2-13-5.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5.7. (a) The sheriffs shall jointly establish and maintain an offenders of elder victims web site, known as the Indiana sheriffs' offenders of elder victims registry, to inform the general public about the identity, location, and appearance of every offender (as defined in IC 5-2-12.5-2) residing within Indiana. The web site must provide information regarding each offender, organized by county of residence. The web site shall be updated at least every seven (7) days.

(b) The offenders of elder victims web site must include the following information:

- (1) A recent photograph of every offender who has registered with a sheriff under IC 5-2-12.5.
- (2) The home address of every offender.
- (3) The information required to be included in the offenders of elder victims directory under IC 5-2-12.5.

(c) Every time an offender submits a new registration form to the sheriff, but at least one (1) time per year, the sheriff shall photograph the offender. The sheriff shall place this photograph on the offenders of elder victims web site.

(d) The photograph of an offender described in subsection (c) must meet the following requirements:

- (1) The photograph must be full face, front view, with a plain white or off-white background.
- (2) The image of the offender's face, measured from the bottom of the chin to the top of the head, must fill at least seventy-five percent (75%) of the photograph.
- (3) The photograph must be in color.
- (4) The photograph must show the offender dressed in normal street attire without a hat or headgear that obscures the hair or hairline.
- (5) If the offender normally and consistently wears prescription glasses, a hearing device, a wig, or a similar article, the photograph must show the offender wearing that item or those items. A photograph may not include dark glasses or nonprescription glasses with tinted lenses unless the offender can provide a medical certificate demonstrating that tinted lenses are required for medical reasons.
- (6) The photograph must have sufficient resolution to permit

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the offender to be easily identified by a person accessing the offenders of elder victims web site.

(e) The offenders of elder victims web site may be funded from:

- (1) the jail commissary fund (IC 36-8-10-21);
- (2) a grant from the criminal justice institute; and
- (3) any other source, subject to the approval of the county fiscal body.

SECTION 14. IC 36-8-10-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 21. (a) This section applies to any county that has a jail commissary that sells merchandise to inmates.

(b) A jail commissary fund is established, referred to in this section as "the fund". The fund is separate from the general fund, and money in the fund does not revert to the general fund.

(c) The sheriff, or his designee, shall deposit all money from commissary sales into the fund, which he shall keep in a depository designated under IC 5-13-8.

(d) The sheriff, or his designee, at his discretion and without appropriation by the county fiscal body, may disburse money from the fund for:

- (1) merchandise for resale to inmates through the commissary;
- (2) expenses of operating the commissary, including, but not limited to, facilities and personnel;
- (3) special training in law enforcement for employees of the sheriff's department;
- (4) equipment installed in the county jail;
- (5) equipment, including vehicles and computers, computer software, communication devices, office machinery and furnishings, cameras and photographic equipment, animals, animal training, holding and feeding equipment and supplies, or attire used by an employee of the sheriff's department in the course of the employee's official duties;
- (6) an activity provided to maintain order and discipline among the inmates of the county jail;
- (7) an activity or program of the sheriff's department intended to reduce or prevent occurrences of criminal activity, including the following:
  - (A) Substance abuse.
  - (B) Child abuse.
  - (C) Domestic violence.
  - (D) Drinking and driving.
  - (E) Juvenile delinquency;

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(8) expenses related to the establishment, operation, or maintenance of the:

(A) sex offender web site under IC 36-2-13-5.5; or

(B) offenders of elder victims web site under IC 36-2-13-5.7; or

(9) any other purpose that benefits the sheriff's department that is mutually agreed upon by the county fiscal body and the county sheriff.

Money disbursed from the fund under this subsection must be supplemental or in addition to, rather than a replacement for, regular appropriations made to carry out the purposes listed in subdivisions (1) through (8).

(e) The sheriff shall maintain a record of the fund's receipts and disbursements. The state board of accounts shall prescribe the form for this record. The sheriff shall semiannually provide a copy of this record of receipts and disbursements to the county fiscal body. The semiannual reports are due on July 1 and December 31 of each year.

SECTION 15. [EFFECTIVE UPON PASSAGE] (a) **Before January 1, 2006, the Indiana criminal justice institute shall compile data necessary to establish the offenders of elder victims registry under IC 5-2-12.5, as added by this act. The registry must include the names of all offenders (as defined in IC 5-2-12.5-2). The following sources of conviction information may be used:**

(1) Indiana prosecuting attorney council files.

(2) Indiana state police department files.

(3) Department of correction files.

(4) Division of state court administration files.

(5) Other reliable sources of conviction information.

(b) **This SECTION expires January 2, 2006.**

SECTION 16. **An emergency is declared for this act.**

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